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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,594	02/15/2001	Edward O. Wolf	80018A/PRC	8288

7590

06/02/2005

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EXAMINER

VIEAUX, GARY

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/781,594

Applicant(s)

WOLF ET AL.

Examiner

Gary C. Vieaux

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments, see Remarks, filed April 25, 2005, with respect to the rejection(s) of claim(s) 1-6 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-6** are rejected under 35 U.S.C. 102(e) as being anticipated by Tomat et al. (US 6,784,925.)

Regarding claim 1, Tomat discloses a method comprising the steps (a) of storing at least one image file (col. 7 lines 16-22) in a memory in the digital camera (col. 14 lines 54-56), (b) coupling the memory to the host computer (fig. 1) so that the host computer identifies the at least one image file, recognizing the presence of the digital image and the at least one audio data segment in the memory (fig. 24, col. 15 lines 54-61), (c) producing at least two icons which are provided on a display associated with the

host computer and which respectively represent the digital image and the at least one audio data segment (fig. 24 indicators 211 and 222, respectively), and (d) selectively accessing the digital image icon or the at least one audio data segment icon to cause the transfer of the digital image or the at least one audio data segment from the memory to the host computer for access by a user (col. 16 lines 11-31.)

Regarding claim 2, Tomat discloses all of the limitations of claim 2 (see the 102(e) rejection to claim 1 supra) including disclosing a method wherein the memory is a removable memory card (col. 8 lines 55-64.)

Regarding claim 3, Tomat discloses all of the limitations of claim 3 (see the 102(e) rejection to claim 1 supra) including disclosing a method wherein the memory is a PCMCIA card (col. 8 lines 55-64.)

Regarding claim 4, Tomat discloses all of the limitations of claim 4 (see the 102(e) rejection to claim 1 supra) including disclosing a method wherein step (c) includes using software in the host computer to identify predetermined icons which are displayed in association with the digital image and the at least one audio data segment (fig. 24, col. 2 lines 7-22, col. 5 lines 49-53.)

Regarding claim 5, Tomat discloses all of the limitations of claim 5 (see the 102(e) rejection to claim 1 supra) including disclosing a method wherein step (d) includes accessing the selected icons to provide a video image of the digital image or the audio sound of the audio data segment, individually or in combination (fig. 24; col. 16 lines 62 – col. 17 line 1; col. 15 lines 54-61; col. 21 lines 61-64.)

Regarding claim 6, Tomat discloses all of the limitations of claim 6 (see the 102(e) rejection to claim 1 supra) including disclosing a method wherein the host computer includes a hard drive memory for storing the transferred digital image or the at least one transferred audio data segment (col. 6 lines 51-57), and wherein the host computer identifies the digital camera memory as though it were a file system of an additional hard drive memory for accessing the image files (col. 14 lines 54-62.)

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 571-272-7318. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary C. Vieaux

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Examiner  
Art Unit 2612

Gcv2

  
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